

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

vs.

Criminal No. 2:09-00251

PARAMENA J. SHIKANDA.

**MOTION OF DEFENDANT PARAMENA J. SHIKANDA TO
DISMISS COUNTS ONE THROUGH SEVEN OF THE INDICTMENT
FOR LACK OF SUFFICIENT EVIDENCE**

Now comes the Defendant Paramena Joseph Shikanda, by his undersigned counsel and moves this Court to dismiss Counts One through Seven of the indictment in this case for the reason that there is insufficient evidence to support the guilt of the Defendant Shikanda to these counts.

In support of this motion, Defendant Shikanda states as follows:

1. Count One of the indictment in this case alleges that the Defendant Shikanda was a participant in the conspiracy to commit mail fraud and wire fraud. Counts Two, Three and Four of the indictment alleged substantive violations of the mail fraud statute and Counts Five, Six and Seven of the indictment alleged substantive violations of the wire fraud statute.

2. Undersigned counsel has received all of the discovery produced by

the Government in this case and has reviewed that discovery. Undersigned counsel for Defendant Shikanda cannot find any evidence or information contained in the discovery produced by the Government that indicates that the Defendant Paramena J. Shikanda is guilty of Counts One through Seven of the indictment. Even if the discovery materials and information produced of using the light most favorable to the Government, there is simply nothing in the discovery that counsel can locate that in any way incriminates the Defendant Shikanda with regard to Counts One through Seven. Nothing in the discovery indicates that Defendant Shikanda knew of or participated in any way of the mail fraud scheme to cheat the State of West Virginia and undersigned counsel is at a loss to understand why Defendant Shikanda has been charged in Counts One through Seven of the indictment.

3. Counsel for Defendant Paramena J. Shikanda acknowledges that in the discovery materials, there is information, that if believed would tend to incriminate the Defendant Shikanda with regard to Count Eight of the indictment, that is a money laundering conspiracy. However, counsel cannot find any evidence incriminating the Defendant Shikanda with regard to Counts One through Seven of the indictment.

In light of all the above, Defendant Shikanda moves this Court to dismiss Counts One through Seven of the indictment as to Defendant Shikanda for the reason that there is insufficient evidence to justify this case being tried and to support the guilt of the Defendant Shikanda as to Counts One through Seven of the indictment.

Respectfully submitted,

/s/ Gary A. Collias
GARY A. COLLIAS
Attorney at Law
122 Capitol Street, Suite 300
P.O. Box 70007
Charleston, WV 25301-0007
Telephone: (304) 344-3652
Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

vs.

Criminal No. 2:09-00251

PARAMENA J. SHIKANDA.

CERTIFICATE OF SERVICE

I, hereby certify that on this the 8th day of April,, 2010, I filed the foregoing document with the Court, using CM/ECF which will send notification of such filing to the following CM/ECF participants:

Susan M. Robinson (*electronically filed*)
Asst. U. S. Attorney
U.S. Attorney's Office
P.O. Box 1713
Charleston, WV 25326
Counsel for Plaintiff

/s/ Gary A. Collias
Gary A. Collias, Esq.
Attorney at Law
122 Capitol St., Suite 300
P.O. Box 70007
Charleston, WV 25301-0007
Telephone: (304) 344-3653
Fax: (304) 345-3083
E-mail: gacollias@colliaslaw.com.
Counsel for Defendant